

AFFIDAVIT OF EDWARD MCLARNON

MCDOC Inmate #19838

USDC Case #1:15-cr-00212-SM

- 1) I have been a federal pre-trial detainee since 11/6/15, incarcerated at Merimack County D.O.C., a county jail that does not have the facilities to provide federal detainees constitutionally guaranteed rights. For example, there are no federal forms, instructions or booklets; No law books or dictionary to copy legal text from to use in court; No free access to email or private phone calls to psychologists, while retaining privileged information; No access to word processors on the Unit; this document is the first I've generated on a working typewriter.
- 2) The one law computer for over 200 inmates was denied to me for the first several months. It is not "freely available" and it cannot capture text or print out text for use in court. For the last several months it has been made available to me for an average of eight minutes a day - as it was suggested I keep a log of the time on the computer. One cannot conduct an in-depth research on that severely limited access.
- 3) The law computer has no instructions. And, as I told Mr. Rodriguez, I did not learn how to access its dictionary and other functions until I was transported to Federal Medical Center, Devens, fourteen months after I was incarcerated here. There they had the mandatory federal forms, instructions, booklets. They had legal books and a Black's Law Dictionary and a Xerox machine to print out text, many law computers attached to printers and the price per copy was half as much as copies in this jail, all of which is mandated in the Constitutional Rights of Prisoners/Detainees, but are not available in this jail. This is the first document I've written on a working typewriter.
- 4) I have been complaining for months that important legal documents that I sent to the jail's Admin to have copies made have gone "missing." My mail is not arriving at its destination. Return Receipt packages I send and pay dearly for "disappear" with no receipts and the tracking receipt also "disappear." For example, on July 4, 2017, I sent important documents to have copies made to be submitted in court, including a forensic report by Forensic Psychiatrist, Dr. Sean Channel of FMC, Devens that concluded I was "competent with no mental illness or defects ." I was told they went "missing" and no one could find them. I needed them for a hearing that was scheduled for July 25, 2017 at US District Court/Concord.
- 5) At the hearing, an Arraignment, I told Magistrate Lynch, "I have been incarcerated for twenty-one months and this is the first time that the charges will be read to me." No one contested or rebutted my factual statement.

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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I then asked if I could counter the charges once they were read. The Magistrate said I could. After the charges were read, Attorney Ramsdell, whom I have been attempting to have terminated since August 2016, told the Magistrate that I was incompetent and should not be allowed to speak. Since I did not have Dr. Channel's evaluation with me to counter Attorney Ramsdell's false claim, the Magistrate reversed himself and said I couldn't counter the charges against me.

- 6) Attorney Ramsdell could not have duped the Magistrate if I had Dr. Channel's report that Mr. Ramsdell knew of as he is the person that gave me my copy of the report. It is not a coincidence that Dr. Channel's report "disappeared" from the jail's Admin as Attorney Ramsdell has friends in management at the jail. He had to have known that I didn't have a copy of Dr. Channel's report before he lied to the Magistrate to deprive me of my right to make a Defendant's statement.
- 7) Attorney Ramsdell has not been working in my best interest. He uses trick after trick to deprive me of my rights. He aids and abets Government's fabrication of, tampering with, and suppression of evidence material to my defense. But, when he has the jail make Dr. Channel's report go "missing" to aid him in duping the Magistrate to deprive me of my right to address the court, he has involved the jail in obstruction of justice and tampering with evidence.
- 8) Attorney Ramsdell refused to submit a defense for me and has refused to have Government surveillance DVD's transcribed so that I may submit them in court and place them "on the record" for upper court review, as upper courts will not review DVD's but only review "the record." So, to keep evidence favorable to my defense on the DVD's off the record, he delivered the DVD's to the jail to have me review. The jail accommodated him. This does not provide me with the transcripts I need, and as far as I know I am the only inmate whose lawyer does not provide with transcripts and the only inmate the jail allows to view DVD's in Activities - to help Attorney Ramsdell claim that he has provided his client with the evidence he needs - but I don't have the transcripts and the jail is accommodating Ramsdell's malfeasance by helping him suppress evidence I need on the court record - not on a DVD.
- 9) Legal mail I send from the jail is not reaching the addressees. For example, the Supreme Court clerks are not receiving petitions and affidavits I have mailed from the jail. The jail's Rose Mirante can attest that I asked her to put Return Receipts on my mail, which is costly to me and makes more work for her. But, my mail still doesn't seem to get through. Ms. Mirante sent a package for my Return Receipt on 9/22/17 and deducted money from my account. But as of this date, Ms. Mirante has not been able to give me the tracking info of the tracking number for the Return Receipt that did not come back signed.

- 10) On 10/2/17, I again sent legal documents, an affidavit and a letter to the jail's Admin to have copies made. They again have gone "missing". On 10/10/17 Ms. Sanborn sent the Copy Order Form back instructing me to sign it. But, without my receiving the originals and copies back, I did not sign. Only then was I informed that my originals and copies were "missing" even though my account had the charges deducted. Again material evidence I need for my defense has gone "missing". This aids the prosecution and Attorney Ramsdell but damages my defense via another example of tampering with my material evidence.
- 11) I have been asking for months to be able to call my treating psychologist on a phone that is not recorded, as I have seen other inmates use. But, to date, I have not been allowed that right of federal detainees.
- 12) With my mail not getting through, my legal documents "disappearing", my not being able to contact my psychologist to be evaluated for the upcoming hearing deprives me of constitutionally protected rights - and compounds the fact that the attorneys the court appointed to help me present a defense have done nothing to present a defense, and as documented herein, actually work against me with the help of the jail to aid and abet the prosecution's false reports, perjured affidavits and testimony, tampered and planted evidence to frame me and keep me unlawfully in a county jail for the last 23 months with no rights and no trial in sight is a travesty of justice .
- 13) When the court pays Attorneys Falkner and Ramsdell for a defense they have not provided - and pays the county jail fees for incarcerating a federal pre-trial detainee with no federally guaranteed services and both work to sabotage my defense, it is more than just civil rights violations, it violates the False Claims Act, 31 USC 3729 and deprives me of due process and fundamental rights.

Signed under pains and penalties of perjury this 29th day of October 2017 by

Edward McLarnon

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